

10-18-06

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Patent Docket P1110P1C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi et al. Serial No.: 09/887,879 Filed: June 21, 2001 For: Apo-2DcR	Group Art Unit: 1646 Examiner: C. Kaufman Confirmation No: 9003 Customer No: 09157
<p align="center">CERTIFICATE OF EXPRESS MAILING EXPRESS MAIL LABEL NO.: EV 351926114 US</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</p> <p align="right">October 17, 2006 <i>Diane L. Marschang</i> Diane L. Marschang</p>	

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR Section 1.181(a) and MPEP Section 711.03 (c) and enclosure;
2. Return postcard.

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: October 17, 2006

By: *Diane L. Marschang*
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416



Patent Docket P1110P1C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Ashkenazi et al. Serial No.: 09/887,879 Filed: June 21, 2001 For: Apo-2DcR	Group Art Unit: 1646 Examiner: Claire Kaufman Confirmation No. 9003 Customer no. 09157
<p align="center">CERTIFICATE OF EXPRESS MAILING</p> <p>Express Mail Number: <u>EV351926114 US</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, Alexandria, VA 22313-1450."</p> <p align="right">October 17, 2006 <i>Diane L. Marschang</i> Diane L. Marschang</p>	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR § 1.181(a) and MPEP § 711.03(c)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment was mailed on August 22, 2006 by the Patent and Trademark Office for the above-referenced application. The Notice of Abandonment indicates that this application became abandoned due to Applicants' failure to timely file a response to the Office Action mailed on December 23, 2005. The Notice of Abandonment indicates that no response was received by the Office.

The Office is respectfully requested to withdraw the holding of abandonment for the reason that neither Applicants nor the undersigned attorney of record received the Office Action mailed December 23, 2005, and therefore, Applicants could not have filed any response thereto within the designated statutory period.

Upon receipt of the Notice of Abandonment dated August 22, 2006, the undersigned attorney of record inspected Applicants' file wrapper and docketing records for the application, and found no evidence that the December 23, 2005 Office Action was ever received. A copy of the

docketing record in Applicants' Alecto patent database is attached hereto. If the December 23, 2005 Office Action had been received, it would have been entered into this Alecto patent database and docketed due dates for filing a reply would also have been entered. The attached copy of Applicants' docketing record is being supplied as evidence that such information was never entered for the present application and proof of non-receipt of the December 23, 2005 Office Action.

In view of the foregoing, the Office is respectfully requested to withdraw the holding of abandonment.

According to MPEP 711.03(c), no fee is due in connection with this petition pursuant to 37 CFR 1.181(a). In the unlikely event, however, that any fees are due, Applicants hereby authorize the Commissioner to deduct fees from our Deposit Account 07-0630 necessary to maintain the pendency of this application.

This petition is being filed within two (2) months of the mail date of the Notice of Abandonment and therefore is believed to be timely filed in accordance with the provisions of 37 CFR 1.181(f).

Respectfully submitted,
GENENTECH, INC.

Date: October 17, 2006

By:



Diane L. Marschang
Reg. No. 35,600

1 DNA Way
So. San Francisco, CA 94080-4990
Phone: (650) 225-5416
Fax: (650) 952-9881

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Amend Case

File No	P1110P1C1	Application	09/887879	21Jun2001	Atty	DLM
Country	US	United States of America	Patent		Atty	DLM
Case Type	CNT	Continuation	Client	Genentech, Inc.		
Status	PEN	Pending	Owner	Genentech, Inc.		
<input checked="" type="checkbox"/> CPA Reportable	Short Title	APO-2 DECOY RECEPTOR			Case Ref	

1. Basic | 2. Contacts | 3. Priority | 4. Dates Nos | 5. Links | 6. Misc | 7. Diary | 8. OA | 9. Renewal | 10. PTO

Diary	Matter	Due Date	Compl Date	Case Title
<input checked="" type="radio"/> ALL	Status Inquiry re: Suspension	28Feb2006		APO-2DcR
<input type="radio"/> Diary	Response to Notice of Abandonment	22Sep2006		
<input type="radio"/> OA				
<input type="radio"/> Renewal				
<input type="checkbox"/> Completed				

Keyword 1	ATCC-209087	Remarks
Keyword 2		
Keyword 3		
Keyword 4		
Keyword 5		
Client Ref		
<input type="checkbox"/> Section 8 & 15	<input type="checkbox"/> Section 15	

Start

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